

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 23RD NOVEMBER 2006 / 2ND AGRAHAYANA 1928

WP(C).No. 25824 of 2006(Y)

PETITIONER:

SABU JACOB, S/O.JACOB,
AGED 45 YEARS, RESIDING AT VENGAPPILLIL VEETTIL,
PAZHAYANNOOR VILLAGE, THALAPILLI TALUK,
THRISSUR DISTRICT, P.C.5160, PERAMANGALAM
POLICE STATION, THRISSUR.

BY ADV. SRI.K.K.JOHN
SRI.BROSE JOSEPH NEELIYARA

RESPONDENTS:

1. STATE OF KERALA, REP. BY ITS
HOME SECRETARY, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.
2. DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM.
3. SUPERINTEND OF POLICE,
IDUKKI DISTRICT.
4. DT.SUPERINTEND OF POLICE,
D.C.R.B., IDUKKI.
5. SUPERINTEND OF POLICE,
THRISSUR DISTRICT.

BY GOVT. PLEADER SRI. BEJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23/11/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.M.JOSEPH, J.

WP.(C) No.25824 OF 2006

Dated this the 27th day of November, 2006

JUDGMENT

Case of the petitioner is as follows:

Disciplinary proceedings were initiated against the petitioner under Rule 6 of the Kerala Police (Departmental Enquiry, Punishment and Appeal) Rules, 1958. Ext.P1 is the charge memo dated 1.9.2003. The charge alleged relates to the offence committed under Sections 52 and 61(A) of the Kerala Forest Act by the petitioner on 8.8.1999. It is stated that the departmental enquiry started after a long period of four years. It is stated that initiation and continuance of disciplinary proceedings after such a long time is unjust.

2. In the statement filed on behalf of the third respondent it is stated as follows:

“It is submitted that a disciplinary enquiry as per Rule 6 of the KPDIP & A Rules, 1958 was initiated against the petitioner as per office proceedings No.H1-24407/99-D dtd. 12.6.2003 and the Deputy Superintendent of Police, DCRB, Idukki was authorised to conduct the enquiry. The memo of charge was served on the petitioner on 25.11.2003

and the examination of the witnesses have already been commenced. Till now, five Pws were examined. Examination of Mr. Thomas George, Vattavayalil House, Marayoor, a PW was postponed as he met with a motor accident and is in a serious condition. Mr. B. Udayakumar, Forest Range Officer, who is a prime witness in the enquiry has also not been examined as he was transferred out to Parambikulam and later to Wayanad. The examination of these two witnesses are now scheduled to 13.11.2006.”

It is further stated that the departmental enquiry will be completed within two months and as the petitioner continues in service, his pay will be revised. I am not inclined to interfere with the department proceedings. But at the same time, I feel that the enquiry should be completed within a time limit. The statement is dated 3.11.2006. Even though petitioner was originally suspended, he was subsequently reinstated.

3. In such circumstances, there will be a direction to respondent No.4 to complete the enquiry within a period of six weeks from today. It is submitted that as far as the revision of pay of the petitioner is

concerned, it will be decided on the basis of the decision in the enquiry. This is recorded.

4. Learned counsel for petitioner submits that due to the pendency of the proceedings, there was no increase in pay scale from 1999 and the petitioner was denied other pay benefits. If the petitioner files a representation before fifth respondent detailing his grievance of denial of benefits as aforesaid, fifth respondent will consider the same and take a decision in accordance with law, within a period of six weeks from the date of receipt of the representation. Petitioner will produce a copy of this Judgment along with the representation.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

W.A. No. OF

JUDGMENT

Dated this the day of February, 2006.